



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

0006

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November 30, 1994

Mr. Roy Benson
Mine Manager
Geneva Steel Company
P.O.Box 2500
Provo, Utah 84603

Re: Plan Review, Geneva Steel Company, Iron Mountain Mines, M/021/008, Iron County, Utah

Dear Mr. Benson:

The Division has completed a review of the revised text for your Iron Mountain Notice of Intention to Commence Large Mining Operations and the accompanying attachments (revised/new drawings and copy of the Division's review letter with comments in the margins), which were received by the Division on September 9, 1994. This submission was made in response to the Division's December 22, 1993 review letter. In addition, several permitting issues were discussed during the Division's onsite inspection performed March 25, 1994. After reviewing the information, the Division has the following comments which will need to be addressed before tentative approval may be granted. The comments are listed below under the applicable Minerals Rule heading. Please format your response in a similar fashion.

R647-4-105 - Maps, Drawings and Photographs

105.2 Surface facilities map

Please provide a current surface facilities map of the Comstock Plant site area. This map is needed for the reclamation cost estimate and variance request (also see variance section under R647-4-112). (AAG)

R647-4-107 - Operation Practices

107.3 Erosion control & sediment control

Geneva's has provided a generic response to the Division's previous request for specific information under this section. Geneva states that waterbars and culverts are used on new access/haul roads to newly mined areas. It is Geneva's opinion that the Utah Department of Environmental Quality (DEQ) will have primary regulatory authority regarding future drainage and erosion control matters at this mine. Geneva states that a group NPDES Stormwater permit application has been filed with EPA for this minesite. Best Management Practices (BMPs) are to be employed to control erosion and sediment losses.

We request a written commitment from Geneva to provide this office with a copy of this permit once approved by EPA and/or DEQ. The specific BMPs for controlling sediment loss and erosion on Geneva's mine site can then be appended to the approved mining and reclamation plan on file with this office. (DWH)

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R647-4-109 - Impact Assessment

109.1 Impacts to surface & groundwater systems

In the Division's March 15, 1993 and December 22, 1993 review letters, we asked Geneva for further clarification regarding the extent of basic background groundwater information for the Iron Mountain mining area. In response, Geneva indicated that a background water quality study was never performed and could not be accurately performed now due to the extent and nature of existing conditions. Future impacts and projections based upon limited historic groundwater information have been made by Geneva. Geneva advised the Division of their intention to file a Groundwater Discharge permit application with the Utah Division of Water Quality (DWQ). We have previously acknowledged the Division of Water Quality's primary regulatory authority to protect Utah's surface and groundwater resources. In April of 1994, Geneva filed a "Nature of Ground Water Discharge Notification Form" with DWQ. This application has not been formally processed by DWQ, but has received a preliminary scoring/ranking and a future review is pending.

We will suspend our request for further groundwater information/clarification and provide comment to DWQ for their evaluation during the formal Ground Water Discharge Permit review and public comment period. Supplemental groundwater information or conditions that may be required by DWQ for approval of the Ground Water Discharge Permit can eventually be incorporated into the approved mining and reclamation permit under this section. (DWH)

109.5 Actions to mitigate any impacts

Geneva has completed mining in the Tip Top and Excelsior/Chesapeake areas. Waste material from the pits in these areas was end dumped on the naturally steep slopes near the pits. Due to the steep terrain, it is the Division's opinion that it will be extremely difficult to improve the stability of these dumps. Regrading the dumps on such steep slopes is unsafe and would create additional disturbance on previously undisturbed areas. The amount of new disturbance would be significantly larger than the present amount of area disturbed by the angle of repose dumps. Seeding the dump tops and slopes would improve stability; however, it is our opinion that seeding alone will not prevent the dumps from slumping/failing. Geneva is now requesting variances for these steep, unstable, angle of repose dumps after they have been created. Rule R647-4-109.5 requires an operator to identify actions that will be taken to mitigate undesirable impacts that are caused by a mining operation. Rule R647-4-112.1.14 and 112.2 require an operator to identify the alternate methods or measures to be utilized that are consistent with the Act, when requesting a variance. Geneva has not addressed these provisions of the rules.

The Division proposes the following reclamation/mitigation measures for these dump tops and dump slopes:

(1) Dump slopes will be hydroseeded (including fertilizer, mulch and tackifier) with a Division approved seed mix.

(2) Dump tops will be appropriately contoured, mulched, drill seeded and fertilized; or contoured, ripped/scarified followed by hydroseeding (including fertilizer, mulch and tackifier) with a Division approved seed mix.

(3) Mitigation - Select a pre-law disturbed area (which would not normally be subject to reclamation under the Utah Mined Land Reclamation Act) to serve as a mitigation base. The mitigation area would be subject to reclamation at a ratio of 2:1. This means that for each acre of disturbance associated with the Tip Top and Excelsior/Chesapeake mining operations, Geneva will reclaim two acres of pre-law area. The mitigation area would receive all reclamation treatments which would presently be required for mining disturbances subject to the Act. The mitigation area location would be proposed by Geneva, and accepted by the Division. (AAG)

R647-4-110 - Reclamation Plan

General Comments:

Geneva provided no response to the Division's comment describing those areas which will be disturbed beyond the areas described in the five year reclamation plan. The Division will consider the boundaries described within this version of the consolidated plan to be the mine permit boundaries.

Any surface disturbing activities outside of the mine permit boundaries will need to be presented to the Division in the form of a revision or amendment prior to creating any new disturbance. (AAG)

110.2 Roads, highwalls, slopes, drainages, pits, etc., reclaimed

Geneva's response to the Division's request for written descriptions of the reclamation treatments refers the reader to Appendix A and the Reclamation Summary Chart.

Because the reclamation cost estimates were based on published tables (which do not provide acceptable detailed descriptions of the actual reclamation practices), there is some uncertainty as to how the actual reclamation will be performed. The written text of the reclamation plan does not provide a detailed description of the reclamation practices, *therefore the Division interprets and expects the following measures will be performed:*

Fertilizing: areas will receive 100 pounds per acre of a 20-16-16 fertilizer for those areas identified to receive fertilizer. Fertilizer should be applied prior to ripping or scarification or the spring following seeding.

Ripping: (roads and other compacted areas) rip to a minimum one-foot depth with two-feet maximum distance between rippers. Ripping is to occur prior to topsoil spreading and scarification.

Scarification: rip or disk to a minimum 6-inch depth or double the topsoil depth, whichever is greater, with a maximum one-foot distance between rippers or disks. Scarification is to occur after topsoil is respread and prior to seeding. Leave the surface in a 'rough' condition.

Mulching: 2500 pounds per acre of wood fiber (or similar hydromulch product) hydromulch (for areas to be hydroseeded and mulched) or 2000 pounds per acre of hay or straw mulch. Mulching is to occur after seeding. Wood fiber hydromulch must be applied with a tackifier. Straw or hay mulch must be crimped into the soil.

Seeding: Drill seeding is preferred and should be used wherever possible. For areas that are broadcast seeded or hydroseeded, the area should be raked or 'dragged' (if possible) after seeding.

With regards to the Tip Top dump(s), it appears that Geneva has no proposal or plan to stabilize the dump slopes other than waiting for natural stabilization to take place over the next 25+ years. However, the latest revised plan indicates that reclamation of the Tip Top mine area will be performed during the 1995 season.

It is unclear if the waste dump(s) will be included in the 1995 reclamation. If so, then this conflict needs to be resolved. While a variance may ultimately be granted for the steepness of the outcrops, Geneva must attempt to stabilize the dump slopes by revegetating them in a timely manner as outlined in the comments under section 109.5 above. (LMK)

110.3 Description of facilities to be left (post mining use)

The response refers the reader to the Reclamation Summary Chart for a description of the reclamation treatments for the FAA road sections to be reclaimed. The road area is broken into Post-Act Disturbed and Pre-Act Disturbed. According to the Summary Chart, the roads are to be ripped (as needed), scarified, topsoiled, fertilized, seeded and mulched.

Is the heading of Pre-Act Disturbed supposed to be Pre-Act Disturbance Re-Disturbed? Do the acreages listed reflect the total acreage of road disturbance, or only those portions of the road to be reclaimed. Please explain what these two categories mean and provide the acreage of the entire road, and the acreage to be reclaimed. (AAG)

110.5 Revegetation planting program

The proposed revegetation seedmix for previously unpermitted areas on page 25 is of concern. Rates for seeding some species exceeds what would normally be used to establish a pure stand of the species.

Suggested alterations are included on the attached recommended seedmix. Also, while the Division can appreciate the fact that certain species may not be available for use during some years, any changes to the seedmixes must have prior approval from the Division. The attached seedmix recommendation is acceptable to the Division for use on all areas to be reclaimed by Geneva, including those areas approved with alternative seedmixes under previously approved permits. The final permitting document should clearly reflect which seedmix recommendation(s) will be used for all areas subject to reclamation. (LMK)

R647-4-111 - Reclamation Practices

111.1 Public safety & welfare

The Division does not consider the unstable dump slopes at the Excelsior/Chesapeake site to be a safety hazard to the public. The access/haul road to the site will be removed as part of the final reclamation and there is no vehicular access below the dump.

As part of the final reclamation, the Division recommends that this access road be left in an extremely rough condition or include trenches/berms which will prevent vehicle travel on the reclaimed road.

The unstable dump slopes at the Tip Top site may present a safety hazard to the public since access to this area will remain after final reclamation.

The Division will require Geneva to implement the following measures at the Tip Top dump to minimize the safety hazard: (1) Control access on the road to the radio transmitters by having a locked gate on the road appropriately located to prevent access to the dump top, (2) construct safety berms, or trenches of sufficient size to prevent vehicle access to the outer edges of the dump and the unstable out slopes, and (3) install appropriate warning signs in known, and/or potentially dangerous areas of dump instability, particularly where vehicular access is possible. (AAG)

1.15 Constructing berms/fences above highwalls

COMMENT - As a result of the onsite inspection, Geneva will not be required to construct safety berms above the highwalls at the Mountain Lion Pit which do not have vehicle access. Geneva will be required to construct safety berms above those sections of highwalls with vehicle access at the Comstock Pit. The catch benches within the pit are more appropriately regulated by MSHA and the Division has no further comment on these features. (AAG)

111.7 Highwalls stabilized at 45 degrees or less

COMMENT - In reference to the pit highwalls of the Tip Top and Chesapeake pits, Appendix F, Item 1, states that highwalls will be reduced to a 45 degree slope prior to reclamation. The Division acknowledges that the other pits have variances which allow leaving highwalls steeper than 45 degrees. The only other active pit at this time is the Mtn. Lion-Comstock pit. (AAG)

111.8 All roads & pads reclaimed

As a result of the onsite inspection, the Division realized the runaway truck lanes along the haul road to the Tip Top Pit had not been included in the reclamation plans or drawings. These road sections do not add a significant amount of acreage, but they will need to be reclaimed by ripping, seeding and mulching. (AAG)

R647-4-112 - Variance

On page 38, item #4, of the September/94 submission, Geneva requests a vegetation variance for Pre-Act disturbed areas as outlined on the Pre-Act and Variance Drawings. From a review of the IM-0100-3e series maps, it appears that Geneva has requested a revegetation variance for all previously unpermitted areas.

Please clarify - is this a request from performing any revegetation, or from meeting the 70% premining vegetation success standard? As stated in previous reviews, for all variance requests, Geneva must provide justification for the variance. For Division approval of a variance from meeting the 70% premining revegetation cover standard, an alternative standard needs to be established (i.e., 50% of adjacent undisturbed vegetation cover, 70% of the SCS 'fair condition' value for the range type, etc.). Also, Geneva must clearly identify on the maps the specific variance requested. Until this information is submitted and found

acceptable, the Division cannot grant a variance for revegetation on the previously unpermitted areas. (LMK)

Our review of the text and drawings also failed to note a topsoil salvaging and redistribution variance for any of the referenced areas.

Is the Division to assume that these pre-Act redisturbed areas will be retopsoiled? If not, then the text and drawings should be revised accordingly. All other areas where a topsoil variance is requested, or was approved, should also be clearly identified in the text and on the appropriate drawings. (DWH)

Drawing IM-0100-3e, sheet 4 of 6, has been coded such that the reader is lead to believe that a highwall, slope and revegetation variance is being requested for the entire length of the access road leading from the junction with the FAA road to the Chesapeak/Excelsior Pit. The supporting text in the revised mine plan does not support this.

Please clarify by modifying the text and/or the drawing accordingly. (DWH)

The reader is referred to Geneva's cover letter as a response to the post-mine use of the road to the Blackhawk Lean Ore Pile. The cover letter offers the general statement contained under the 1978 public notice for permit M/021/001 which states in the After Operations section, "Pads, dumps and unnecessary road (sic) will be scarified and seeded."

There is no statement describing/justifying why the road to the Lean Ore Pile would be necessary. If Geneva cannot justify the post-mine necessity of this road, the Division will require it to be reclaimed. (AAG)

A response to the Division's request for justification for the post-mine use of the road leading south from the Comstock Dump is provided on page four of the cover letter. Geneva states that this road ties into an existing through road which accesses Crystal Springs. This road also accesses the upper portion of subdivisions located south of Geneva's property. During the onsite inspection Geneva indicated this through road was controlled by the USFS. Geneva uses this road as a short cut to the water spigot at the Blowout Pit for the water truck needed at the Mtn. Lion - Comstock Pit.

The Division will accept justification for the post-mine use of the road across the dump connecting to the through road if this is the only access to this road/area. The Division will need to contact the USFS for clarification on the existing through road. The Division also requests confirmation in the form of a listing of the rancher(s) who will continue to use this access road to "maintain" a livestock watering and grazing area at Crystal Springs. We also request confirmation in the form of a letter from, or the name and phone number of someone associated with the private subdivisions who have a direct need for continued postmine use of this road. (AAG/DWH)

Drawing IM-0100-3e sheet 2 of 6 shows the Burke Pit Road (3.19 acres) as being an area where a revegetation variance is requested, yet the Reclamation Summary Chart shows this road as being fertilized, seeded and mulched.

Please explain this conflicting information. (AAG)

General Comment (Variances):

In order to clarify the variances and the reclamation requirements associated with existing plans, the Division has assembled pertinent information in the attachment titled, "Attachment One." Our intent is for this attachment to help in interpreting the older reclamation plans and variances. Because this interpretation has some subjective elements, we propose a meeting in the near future to discuss this matter and to mutually agree on the various reclamation requirements and variances from the old plans. Please see Attachment One for this information.

R647-4-113 - Surety

The general methodology of the reclamation surety estimate calculations in this revised submission is acceptable to the Division. *Verifying the variances granted and specifying the areas these variances apply to will have an effect on the surety calculations. In addition, the Division requests that Geneva make the surety adjustments listed below and provide a revised reclamation surety estimate.*

The variance request for the Comstock Plant is a new request which affects the surety estimate. At the present time, the Division agrees the utilization of this area as an industrial plant site is possible; however, an unlimited time frame for these possible future uses of the site is unacceptable to the Division. This variance is not granted at this time since these possible post-mine uses will not take place within the five year reclamation plan period which will be covered by the reclamation surety. The Division must consider the worst case scenario of dismantling and reclamation of the plant site for the reclamation surety calculations; therefore, the surety estimate will need to include costs for demolition and clean up of this site. The Comstock Plant Site area is composed of several areas listed under the consolidated permit as Railroad Spur-level area (2.11 acres), Comstock Ore Handling Area - North (16.58 acres), UI Mtn. Lion/Comstock Processing Area Dump Slopes (4.78 acres), UI Mtn. Lion/Comstock Processing Area-Ore Handling Area-South (3.01 acres), and UI Mtn. Lion/Comstock Processing Area -Railroad Spur (3.28 acres). These areas were selected by cross referencing the M/021/001 permit area shown on drawing IM-0100-3A sheet 6 of 6 with areas indicated on drawing IM-0100-3 sheet 6 of 6 Sept. 1994 version. *Please provide an estimate for demolition and cleanup of the buildings and facilities within these areas and add this into the reclamation surety estimate.* (AAG)

The revised reclamation estimate includes a mobilization line item of \$3,000. A review of the reclamation tasks and equipment to perform those tasks indicates that approximately nine different pieces of equipment will need to be mobilized to accomplish this reclamation. *Therefore, the reclamation estimate should include a minimum mobilization cost of \$9,000.* (AAG)

A project of this size will require significant supervision/management. *The reclamation estimate should include a line item for Supervision which amounts to 10% of the subtotal (prior to the contingency calculation). This would be done after making the Division's corrections listed in this letter.* (AAG)

R647-4-116 - Public Notice & Appeals

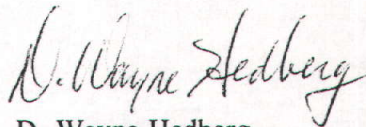
The Board of Oil, Gas and Mining directed Geneva and the Division to complete the permitting process for the Iron Mountain consolidated permit by December 31, 1994. We believe we have made

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M/021/008
November 30, 1994

significant progress toward this goal. However, considering the quantity of comments raised in this third review letter and the timing of this review letter, all the remaining permitting concerns will obviously not be resolved in time to be heard at the December 7, 1994 Board Hearing. For this reason, the Division has prepared and forwarded a briefing memorandum to the Board, outlining a proposed schedule for finalizing this permitting action. We suggest that you and/or someone from Geneva's staff plan on attending the December 7th hearing to answer any pertinent questions, concerns or directives that the Board may have in this regard.

Further review of this revised and consolidated permit application will be suspended until we receive your response to this letter. If you have any questions in this regard please contact me, Tony Gallegos, or Lynn Kunzler of the Minerals Staff. Please contact us at your earliest convenience to schedule a meeting to sit down and discuss our remaining concerns. We look forward to working with you to complete this permitting action in the near future.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Regulatory Program

jb

Attachments

cc: Don Ostler, DWQ - w/o attachments
Jerry Grover, Geneva - w/attachments
Lowell Braxton, DOGM - w/o attachments
Gina Pack, BLM, Beaver River RA - w/o attachments
Minerals staff (route) - w/attachments

M021008.rev

Recommended Species List
for

**Geneva Mining Company
Iron Mountain Mines**

M/021/008

<u>Common Name</u>	<u>Species Name</u>	<u>*Rate lbs/ac (PLS)</u>
Hycrest crested wheatgrass	<u>Agropyron cristatum 'hycrest'</u>	1
Intermediate wheatgrass	<u>Agropyron intermedium</u>	2
Piute orchard grass	<u>Dactylis glomerata</u>	1
Great Basin wildrye	<u>Elymus cenerius</u>	2
Indian Ricegrass	<u>Oryzopsis Hymenoides</u>	1.5
Ladac alfalfa	<u>Medicago sativa</u>	2
Yellow sweetclover	<u>Melilotus officinalis</u>	1.5
Palmer penstemon	<u>Penstemon palmeri</u>	.5
Small burnett	<u>Sanguisorba minor</u>	2
Mountain big sagebrush	<u>Artemisia tridentata</u> <u>ssp. vaseyana</u>	.1
Curleaf Mtn. Mahogany	<u>Cercocarpus ledifolius</u>	1
Rubber rabbitbrush	<u>Chrysothamnus nauseosus</u>	.5
Forage kochia	<u>Kochia prostrata</u>	.5
Bitterbrush	<u>Purshia tridentata</u>	1
		Total lbs/ac 16.6

*This the recommended broadcast ratio. If the species are to be drill seeded, reduce the broadcast rate by 1/3.

ATTACHMENT ONE
M/021/008

In order to clarify the reclamation requirements for various areas, the variances granted, and which portions of the mine sites these variances apply to, the Division provides the following section. This section has been formatted to match the order listed under section 12.2 of Geneva Steel's September 9, 1994 revised text, of the consolidated NOI submission. References to support or negate the variances listed in that section are included. The text taken from Geneva's submission is shown in *italicized* print.

*12.2.1 M/021/008 AND M/021/003 [Original USX Properties]
Reclamation Standards:*

M/021/003 Desert Mound operations

This site was originally permitted by US Steel and later purchased by USX. Areas included in this permit were the **Mtn. Lion Pit, Mtn. Lion Dumps, Yellow Jacket Pit, proposed Homestake Pit, and Blackhawk Fines**. Portions of the site (**Mtn. Lion Pit, Mtn Lion Dumps, Blackhawk Fines**) were later transferred to Geneva Steel.

1. Pits: Open pits will be left open, except the Yellow Jacket Pit, which will be partially filled with overburden material. A six foot high safety rick of run of mine waste rock will be dumped around all pit perimeters for safety purposes. On lower 2 bench levels where room is adequate, rocky rubble will be pushed to lower level of the pit, and areas bumped up from shooting will be smoothed out. 2-3 inches of topsoil will be placed on lower 2 benches where feasible and seeded. Lower level of pit would be allowed to form a natural lake.

Item 1 (above), in this section is found in file M/021/003, Executive Summary, November 13, 1981, Mining and Reclamation Plan, After Operations section, item 1. Therefore, these statements apply specifically to the Mtn. Lion Pit and Mtn. Lion Pit benches.

2. Waste Dumps: Dump crests will be rounded when through in conformance with surrounding topography. Dump tops will be contour scarified and reseeded. The maximum grading slope was set as 40°.

Item 2 (above), appears to be paraphrased from file M/021/003, US Steel January 27, 1977 letter, item 11, pages three and four. These statements apply specifically to the Mtn. Lion Dumps.

3. Topsoil: No topsoil recovery required as no significant recoverable topsoil exists.

Item 3, could not be found as stated above, in files M/021/003 or M/021/008. File M/021/003, Executive Summary November 13, 1981, under the heading of Soils includes the statement "No topsoil was stockpiled from previous activity and very little useable material exists to cover waste rock." A majority of the Desert Mound site involves pre-law areas where no topsoil was salvaged prior to operations. The Division will not require topsoil salvage for those pre-law areas, specifically the Mtn. Lion Pit, Mtn Lion Dump, and Blackhawk Fines. The Division will require topsoil salvage on new areas which do not exist on pre-law disturbances.

4. Revegetation: A. Soil treatment: Soil treatment will consist of mulching or contour scarifying on sloping areas, drilling only on flat areas with depth depending on degree of compaction. Ammonium nitrate and phosphate fertilizer will be applied if necessary. B. Broadcast Seed Mix {not included

here} *Seed mix may be varied (species and/or rates) for each area at operator's discretion C. Planting will be in the fall with a one time application of water with water truck. Seeding efforts will be concentrated on areas where success is feasible. Seeding of mine dump slopes is not necessary.*

A statement similar to Item 4, A, is found in file M/021/003, Division letter of January 27, 1977, to US Steel. Page three, item 11, 3. states: "... State that soil treatment consisting of mulching, fertilizing, or contour scarifying will be performed depending on test plots."

A statement similar to Item 4, B is found in the same file, Division letter of February 16, 1984, to US Steel, page 5, item 8.5 "The operator may want to vary the seed mix (species and/or rates) used for each area to be revegetated (mine dump vs. haul roads vs. office area, etc.). ... "

A comment similar to item 4, C is also found in the February 16, 1984 letter, page five, item 8.2 "Seeding efforts should be concentrated on those areas where success is feasible (e.g. flat topped areas, haul roads, etc.). Seeding of mine dump slopes, if extremely rocky, will probably result in seeding failure and unnecessary cost." The Division adds the clarification to statement 4 C, that seeding of mine dump slopes is not necessary **if the dump slopes are extremely rocky**. This would apply to portions of a dump slope or the entire slope. This applies to the Mtn. Lion Dumps as permitted in M/021/003.

The Division has no concerns with items 5 through 8 of this portion of Geneva's submission with respect to the M/021/003 permit areas.

M/021/008 Iron Mountain operations

Original permit by US Steel included the **Blackhawk Loadout, Lean Ore Pile and Lean Ore Dump. The Blackhawk Pit, New Tails Basin and Blackhawk Fines** were later amended into this permit. US Steel later became known as Geneva Steel.

Reclamation requirements for these areas are summarized in the July 7, 1986, Notice of Tentative Approval which states in the After Operations section: "(1) The reject waste pile will be sloped to less than a 40° angle. (2) The disturbed area will be scarified and seeded. (3) All roads except those currently needed for access to private property will be scarified and seeded." Additional descriptions of the reclamation treatments may be found in the US Steel letter received April 17, 1986.

Variances:

1. *Open pits do not require reseeding or regrading, and will be left in place (Rule M-10(3,13)).*

Division file M/021/003 March 12, 1985 memo, page two, item 2.1, 2.2.3, in reference to the Mtn. Lion Pit states: "A variance to Rule M-10(3) may be granted providing that the operator agrees to monitor the level on a monthly basis and submit the information as part of the annual report and that no problems are apparent during the bond release period." Reclamation standard M-10(3) Impoundments states: "All evaporation, tailings, and sediment ponds; spoil piles, fills, pads and regraded areas shall be self-draining and non-impounding when abandoned unless previously approved as an impounding facility by a lawful state or federal agency." No documentation of a variance to M-10(13) Dams could be found, although a variance to this rule would be implied by the variance to M-10(3). The M-10(3) variance allows the Mtn. Lion Pit to remain as an impounding feature, which implies that no regrading or seeding of the pit is required. No documentation specifically dealing with regrading or seeding of the pits could be found in M/021/003 or M/021/008.

2. *Some haul roads will serve as livestock ranching access for post-mine use.*

The Division has a concern with this statement due to the lack of specific identification of the haul roads referred to.

3. 70% revegetation standard has been waived. Operator is required to establish a minimum cover of beneficial vegetation, if possible. If operator has used practical methods which are those specified in the permit (scarifying and reseeding) and minimal cover of beneficial vegetation is not met, this standard is also waived.

This statement, as stated above, could not be found in file M/021/003 or file M/021/008. A similar statement was found in file M/021/001, Division letter October 13, 1981. Since that letter would only apply to areas under permit M/021/001 it does not apply here.

4. Topsoil recovery not required.

This statement could not be found in file M/021/003 or M/021/008 as stated here; however, it may have been paraphrased. Executive Summary, M/021/003, November 13, 1981, states under the Soils category "... No topsoil was stockpiled from previous activity and very little useable material exists to cover the waste rock." In file M/021/008 the Division's October 24, 1990 response letter to Geneva Steel regarding a permit revision, page 4, item 7 states: "The operator must develop and describe a plan for the salvaging and redistribution of topsoil or substitute soil material on all areas to be disturbed on site. Areas which were disturbed pre-law are exempt from topsoil salvage. However, it will be necessary to develop alternative methods to construct viable plant growing mediums in these areas, i.e. the use of substitute material and soil amendments, such as mulches and fertilizer. ..." Item 4 would be more appropriately written to describe the lack of topsoil salvaged on pre-law areas, but the requirement to salvage topsoil from areas which are outside of the pre-law disturbances.

5. Waste dumps may be placed in natural drainage channels.

This statement could not be found in file M/021/003 or M/021/008. A variance request for this type of activity was found in file M/021/001, however, that would not apply to the areas described by M/021/003 and M/021/008.

12.2.2 M/021/005 [Original CF&I Properties]

Permit **M/021/005** includes the **Comstock Pit** (and **Comstock Dump?**), the **Blowout's Lean Ore Dumps**, and the **Duncan Pit**.

Reclamation Standards:

The Division has no comments on items 1 and 2 under this section of Geneva's submission.

3. Topsoil: No topsoil recovery required as no significant recoverable topsoil exists.

Executive Summary, M/021/005, April 18, 1980, page four states: "Due to the lack of large amounts of topsoil, the revegetation philosophy will be to treat waste dump material by using such methods as scarifying, using mulch and fertilizing, to develop a suitable plant support medium."

The Division has no comments on items 4, 5, 6, and 7 under this section of Geneva's submission.

Variances:

1. Open pits do not require reseeding or regrading.

This statement could not be found in file M/021/005; however, no documentation to negate this statement could be found either. The file does acknowledge that the pits are pre-law which would imply that reclamation (in general) of the pits is not required unless they have been re-impacted.

2. Some access roads will serve as livestock ranching access for post-mine use.

This statement could not be found in file M/021/005. The April 1980 Public Notice, After Operations section, item 5 states: "Compacted surfaces such as access roads will be scarified and graded to a smooth contour and revegetated." The livestock ranching roads within this permit area will need to be identified for the Division to consider the post-mine use.

3. 70% revegetation standard has been waived but vegetation cover should be attempted where possible. If operator has used practical methods which are those specified in the permit the revegetation standard has been met.

This statement could not be found in file M/021/005. A similar statement was found in M/021/001 which would not apply to the areas under permit M/021/005.

4. Topsoil recovery not required.

Division file memo of August 27, 1982, page two states: "The last area of concern at the Comstock pit was the proposed extension of the waste rock dump to the south. Apparently, no topsoil need be saved as a commitment was not obtained in the original MRP. The area is covered by Pinion-Juniper and may have minimal soil depth. However, considering the success rate of revegetation on the waste rock, even a little soil would be an aid. It was suggested to the operator that soil be saved if possible."

The Division's inspection memo in file M/021/008 dated October 22, 1990, raised the issue of salvaging topsoil in front of the advancing toe of the Comstock dump. Geneva indicated they had no plans for pre-stripping the soils and would follow the approved CF&I permit. Geneva was planning on using the material from the "ant hills" as soil material for reclamation of the dumps.

The Division's inspection memo in file M/021/005 dated November 16, 1990, allowed Geneva to use the material from the ant hill area as soil substitute on the Comstock dump slopes as long as the material proved to be of similar texture and nutrient content as the soils found in front of the dumps.

12.2.3 M/021/001 [Original Utah International, Inc. Properties]

Areas relevant to the current consolidated permit being submitted by Geneva which were covered under Permit M/021/001 include the **Yellow Jacket Pit** and **Waste Dump**, the **Comstock Plant Site** and **Railroad Spur**.

1. *Reclamation Standards:*

The Division has no comment on item 1 under this section of the Geneva submission.

2. *Topsoiling: No topsoil recovery required.*

This statement could not be found in file M/021/001. The M/021/001 Public Notice dated August 25, 1978, under the During Operations section, item 2, states: "All soil from new disturbances will be stockpiled." The Executive Summary of May 28, 1980, Mining and Reclamation section, page three states: "Due to the lack of large amounts of topsoil, the revegetation philosophy will be to treat waste dump material by using such methods as scarifying, using mulch and fertilizing to develop a suitable plant support medium." The Division interprets the combination of these statements to mean no topsoil was salvaged from the pre-existing areas of disturbance; however, soil from new disturbances will be salvaged.

3. A. The Division has no comment on item 3 A under this section of the Geneva submission.

3 B. ... *Seed mix may be varied (species and/or rates) for each area at operator's discretion. Seeding by range drilling along the contour wherever topography permits, inaccessible areas will be broadcast seeded.*

This statement could not be found in file M/021/001

4. The Division has no comment on item 4 under this section of the Geneva submission.

5. *All surface debris will either be buried or removed from the site.*

Public Notice M/021/001 August 25, 1978, After Operations section, item 2 states: "All equipment, scrap, debris and unusable buildings will be removed and disposed of in a sanitary landfill." This statement does not allow for onsite burial of debris associated with this permit.

Variances:

1. *Same (sic) haul roads will serve as livestock ranching access for post-mine use.*

This statement could not be found in file M/021/001. The Executive Summary of August 25, 1978, After Operations section, item 3 states: "Pads, dumps and unnecessary road (sic) will be scarified and seeded." The Division has a concern with this statement, since no description of the roads claimed to have a postmine use is provided.

2. *70% revegetation standard has been waived. Operator is required to establish (sic) a minimum cover of beneficial vegetation, if possible. If operator has used practical methods which are those specified in the permit and minimal cover of beneficial vegetation is not met, this standard is also waived.*

This statement could not be found in file M/021/001. A similar statement was found in the Division letter of October 13, 1981, to Utah International, Inc.. The letter is responding to a request by UII for reclamation release of areas visited during an April 29, 1981 field trip. Paragraph two of the letter states: "The Division will be able to issue a release from responsibility for reclamation of mine areas in part, according to rule M-10(12)(2)(b) and/or (3). Several areas for which you have requested release have not survived the three season requirements for revegetation. Attempts (sic) at meeting revegetation standards will be taken into account if seventy percent

achievement is not attainable as per M-10(12)(3) and adequate efforts to achieve such are demonstrated by Utah International." The Division's statement does not waive the 70% revegetation standard for all areas listed under permit M/021/001. The statement allows the Division to consider releasing an area which has received adequate reclamation efforts, but does not satisfy the 70% revegetation standard.

3. *Highwall and natural drainage blocking variance.*

Executive Summary, May 28, 1980, under Mining and Reclamation section states: "Utah International requests variances for Rule M-10(5) and (8). Rule M-10(5) is for highwalls and Rule M-10(8) is for natural drainage blockage. Both of these variances were approved by the Board for the Cedar City operations previously. These variances allow for highwalls steeper than 45° to remain and allow drainages to be obstructed by mine features." These variances would apply to those areas included in the M/021/001 permit.

4. *Post-mine use of plant site as industrial plant site (modification currently requested). Geneva anticipates using the plant site as a future industrial site. Some projects currently under consideration are a steel plate warehouse and a pelletizing plant. Although some years away, Geneva considers the location of this area ideal for industrial use because of its accessibility to rail lines and highways.*

This is a new variance request for the Comstock Plant. In the public notice published for M/021/001 dated August 17, 1978, under the section titled "After Operations" Item 2 states: "All equipment, scrap, debris and unusable buildings will be removed and disposed of in a sanitary landfill." At the present time, the Division agrees the utilization of this area as an industrial plant site is possible; however, an unlimited time frame for these possible future uses of the site is unacceptable to the Division. This variance is not granted at this time since these possible post-mine uses will not take place within the five year reclamation plan period which will be covered by the reclamation surety. The Division will consider the worst case scenario of dismantling and reclamation of the plant site for the reclamation surety calculations. Geneva may propose the industrial plant site variance when the surety is updated as part of the five year review. or when definitive time frames or purchase agreements are made for these facilities.

The Division has no comments on section 12.2.4 S/021/010 [Excelsior/Chesapeake] of Geneva's submission.

12.3 RECLAMATION PLAN FOR AREAS UNDER APPLICATION (Tip Top, Excelsior/Chesapeake Extension, Burke Pit Road)

The Division considers the new areas to include the **Tip Top Pit, Tip Top Dumps, and Tip Top Access Road (FAA road expansion), Excelsior/Chesapeake Pit, Excelsior/Chesapeake Dumps, Excelsior/Chesapeake Road, and Burke Pit Road.**

Reclamation Plan

The Division has no comments on the items listed under this section of Geneva's submission.

Requested Variances: (See also Variance Maps)

The Division has no comment on item 1 under this heading.

2. *Highwall variance was granted in December 22, 1993 correspondence for modified pit faces, provided slope angle is not greater than 45°. Slope variances for regrading are requested on dump slopes due to the steep adjacent topography and lack of access to the dump slopes. (See Appendix F)*

The Division December 22, 1993 letter to Geneva did not grant a variance for highwalls. Also, if highwalls are at an angle of 45° or less, no variance is required.

As stated in the Division's December 22, 1993 letter, variance requests must include: (1) the specific area which would be affected by the variance, (2) justification for the variance, and (3) alternate methods or measures to be utilized consistent with the Act. Since no particular dump slopes were identified, the Division will assume Geneva request a variance for all dump slopes included in the new areas. Since no specific rule number was given, the Division will assume Geneva request a variance from Rule R647-4-111.6 Slopes. This rule requires waste piles, spoil piles, and fills be regraded to a stable configuration and be sloped to minimize safety hazards and erosion while providing for successful revegetation. Geneva's justification for this variance request appears to be that the topography adjacent to the dump is steep and there is no access to the dump slopes. The Division will not require Geneva to regrade the Tip Top Dump Slopes, or the Excelsior/Chesapeake Dump Slopes. Attempts to grade these angle of repose dump slopes on the existing steep terrain would be a safety hazard. See comments in section R647-4-109.5 Actions to Mitigate Any Impacts.

3. Revegetation variance on the pit highwalls was granted in the December 22, 1993 correspondence with conditions.

On page 14, under R647-4-111(13), the Division's December 22, 1993 letter stated: "A variance to the 70% revegetation standard will be granted for the highwalls associated with the Tip Top, Excelsior/Chesapeake sites. However, this will not relieve Geneva from broadcasting or hydromulching the recommended seed mixture onto these pit areas."

4. A revegetation variance is requested on the Pre-Act disturbed areas as specified on Pre-Act and Variance drawings.

This comment regarding pre-act areas does not seem to belong in this section under the heading of Areas Under Application, i.e. new areas being added into the permit. Does this mean Geneva is requesting a new variance for these Pre-Act areas? Is this a request for a variance from applying any revegetation treatment to these areas? Is this a request for a variance from having to meet the 70% revegetation standard on these areas? As stated, the request in item 4 is too broad and too vague, and does not seem to apply to the new areas. The drawings in series IM-0100-3e, sheets 2 through 6 indicate that all disturbances covered by this consolidated permit have one or more variances granted or have one or more variances currently requested.

5. Hole plugging requirement variance was granted for mined through holes in December 22, 1993 correspondence.

The Division's December 22, 1993 letter stated: "The Division will grant a variance for R647-4-108 Hole Plugging Requirements for the plugging of any drill holes which are inaccessible because they have been mined through or are under water. This variance will not apply to drill holes which are accessible before, or at the time of final reclamation." (AAG)